

Chairman James Henderson called the meeting to order at 6:34pm at the Harpswell Community TV Studio, and led in the Pledge of Allegiance. Henderson introduced the members present: John Papacosma, Linda Toothaker, Howard Nannen, Don Rogers, and associate member Dorothy Carrier. Planner Jeremy Hatch and Planning Assistant Debora Levensailor were also present. The meeting was broadcast live on Harpswell Community TV, and taped. The agenda for the meeting was published in "The Times Record" on December 12, 2001.

Minutes of November 21, 2001 – Nannen said he wants to make sure all Planning Board issues are followed up by the Codes Enforcement Office, that the Board is involved in any new proposals made by the applicants, and that the Board reviews any proposals that change substantially. Henderson requested the following addition to the minutes of November 21, 2001: that the Board's vote extending the date for registration with the Cumberland County Registry of Deeds did not alter the ordinance requirement that permits regarding these Planning Board cases be issued only after filing with the Registry. The Board cannot amend ordinances. Henderson moved to accept the minutes of November 21, 2001 with the addition. Nannen seconded. **Carried, 5-0.**

Tom and Marianne Parciak, Reconstruction of a Non-Conforming Structure, Commercial Fisheries I, Tax Map 23-75, Steamboat Road, Bailey Island (Return from 09-19-01 meeting) – The Board has received a letter from Architect Douglas Richmond, representative for the Parciaks, dated December 6, 2001, in which the Parciaks and Richmond requested that the Board table their application indefinitely. Planner Hatch reminded the Board that the by-law regarding the one hundred day deadline for applications was passed after the Parciak application was already in the process of being considered by the Board. Selectman George Swallow said the Selectmen will decide if the Town will have a survey done of the Town's Steamboat Landing property, and that it is likely that a survey will be done soon. Nannen made a motion that the Board extends the tabling of the Parciak application indefinitely, but no later than March 7, 2002. Rogers seconded. **Carried, 5-0.**

Bowie Home Construction, Subdivision Review, Interior, Tax Map 11-51, Allen Point Road, Harpswell (Return from 11-21-01 meeting) – Doug Johnson, representative for Bowie Home Construction, presented the application. The Board and Johnson reviewed the remaining items the Board had requested: (1) Storm water runoff - these issues have been adequately addressed; (2) The gravel road will be 18', not 16' as had been previously proposed; (3) The grade of the road at the bridge will be lowered to 2:1, and the DEP is in agreement with this slope. In addition, Planner Hatch said he had looked at all of the other slopes and they all meet the Town ordinances; (4) The safety issues concerning the road have been addressed with an engineer, and guardrails will be put into place. Planner Hatch said that in the spring, he and the Codes Enforcement Officer will inspect the completed road and all silt fences, and address any winter erosion issues. Selectman Swallow said the new plans for guardrails, and other safety measures look reasonable to him. He said the roads should be adequately sanded; (5) The plot plan has a horizontal scale of 1" = 50', and a vertical scale of 1" = 5'; (6) Rip rap around the culvert is now washing out, and this will be corrected. The applicant will have a cement square built around the culvert for additional stabilization; (7) Silt fences have been added at the beginning of the road, and at the gully and culvert crossing areas; and (8) Storm water turnouts have been added to take the water from the channels, and over a natural buffer instead of directly into the gully and the brook.

Henderson said the Board is not requiring a 24' road because it is a subdivision of limited access to properties. He said that if at any time the road services more than the current number of lots, it must be upgraded, and the issue must be brought back to the Planning Board. He said it is not the intention of the Board that this approval be a standard for other subdivisions, that each proposal must be considered on its own merits. Nannen read part of the Subdivision Ordinance Section 9.15.3.1, which states, "The Roads Ordinance shall control the roadway, accesses, shoulders, curbs, and other appurtenances unless the applicant can provide clear and convincing evidence that an alternate design is necessary to preserve community character and the resulting design will not create safety or long-term maintenance problems for the Town." He said this doesn't lock the Board "into a box".

The Board discussed the Town Road Ordinance, specifically the requirements for roads and traveled way widths. Henderson stated, "I move that this application be approved with the following conditions: (1) that there be a notification of road completion to the Planning Office; (2) that any access by additional lots, by this particular road, be approved by the Planning Board; and (3) this approval is based on the plan dated December 17, 2001, which includes erosion and sedimentation control measures and storm water management." Nannen seconded. **Carried, 5-0.** Henderson also requested that the following statement be included in the record: "The Board recognizes that traveled ways which provide access to lots in subdivisions are local roads, and the Board recognizes that it has the

flexibility to adjust the dimensions of roads outlined in the Town Road Ordinance, based on Section 9.15.3.1 of the Subdivision Ordinance.” Selectman Swallow said he would check with the addressing officer to see if the name Spruce Brook Road (on the plan) could be used as a permanent road name.

Comments on the Proposed Ordinance Changes – Reed Coles, Chairman of the Land Use Committee, presented the Board with briefing information on the preliminary recommendations for ordinance changes, and wetland evaluation criteria. The Land Use Committee used the wetland evaluation criteria to decide which wetlands should be placed into resource protection. Coles and the Board reviewed the information. Nannen asked what happens when the public asks how the committee could justify going below five acres. Coles said the committee wanted to designate those areas and their added value because it was important to show people how the committee distinguishes which areas should go into resource protection.

Papacosma wanted to know why there should be any size requirement, if the wetlands meet the valuable habitat criteria. Coles said the committee has looked at mainland wetlands and offshore islands, and at all the areas which the Inland Fisheries and Wildlife Department has identified as bird nesting sites. He said the committee could study the scenic view issue as a separate category. Hatch said a proposed Subdivision Ordinance change would allow for conservation design.

Consideration of Amendments to the Recently Adopted By-Laws – The Board reviewed Planning Assistant Debora Levensailor’s memo dated November 14, 2001 concerning the following amendments: (1) “Page 1, Article II, Section 1 – Regular members shall serve three (3) year terms. Associate members shall serve one (1) year terms.” and (2) “Page 2, Article IV, Section 4 – The Planner shall coordinate planning advice for the Board. The Code Enforcement Office shall coordinate code enforcement advice for the Board. The Planning Office shall review, etc.” The Board discussed the amendments. Nannen stated, “I move that we approve the proposed amendments, and the effective date is upon passage.” Rogers seconded. **Carried, 5-0.**

Establishment of Dates for a Hearing On Resource Protection Changes and a Hearing on Proposed Ordinance Changes – After discussion by the Board, Henderson stated, “I move that the Board sets the following hearing dates: January 8, 2002 at 7pm at the Harpswell Islands School to consider proposed changes to the Harpswell Shoreland Zoning, Basic Land Use, Site Plan, Subdivision, and Town Road Ordinances, and to hold a public hearing on January 22, 2002 at 7pm at the Harpswell Islands School to consider proposed changes to the shoreland zoning map.” Nannen seconded. **Carried, 5-0.** Henderson stated, “I move that if the provisions of the preceding motion are found to be in conflict with any legal requirements, the previous motion shall be null and void, and the hearings shall be set as January 8, 2002 at 7pm at the Harpswell Islands School to consider proposed changes to the shoreland zoning map, and January 22, 2002 at 7pm at the Harpswell Islands School to consider proposed changes to the Harpswell Shoreland Zoning, Basic Land Use, Site Plan, Subdivision, and Town Road Ordinances.” Nannen seconded. **Carried, 5-0.**

Discussion of the Minimum Requirements for Applications considered by the Planning Board – Henderson said the Board would discuss the minimum requirements issue at the next Board meeting.

Henderson moved to adjourn the meeting. Rogers seconded. **Carried, 5-0.** Henderson adjourned the meeting at 9:10pm.

Debora A. Levensailor
Planning Assistant